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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/614,036  | 07/08/2003  | Akiya Saito          | 239871US6           | 6715             |
| 22850   | 7590        | 05/18/2005           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | ABRISHAMKAR, KAVEH  |                  |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             | 2131                 |                     |                  |

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                  |
|------------------------------|-------------------------------|------------------|
| <b>Office Action Summary</b> | Application No.               | Applicant(s)     |
|                              | 10/614,036                    | SAITO ET AL.     |
|                              | Examiner<br>Kaveh Abrishamkar | Art Unit<br>2131 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 July 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is in response to the communication filed on July 8, 2003. Claims 1-8 were originally received for consideration. No preliminary amendments for the claims were received. Claims 1 – 8 are currently being considered.

### ***Claim Objections***

2. Claims 2 and 4 are objected to because of the following informalities: The word "recoding" should be spelled "recording." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Cok (U.S. Patent No. 6,865,550).

Regarding claim 1, Cok discloses:

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A data recording medium on which "medium identification information unique to the data recording medium has been recorded" (column 4 lines 1-14), the "medium identification information having information with which hardware that can use a program recorded on the data recording medium is recognized" (column 4 lines 1-14), "a starting program having been recorded on the data recording medium" (column 4 lines 27-65), the starting program being automatically started corresponding to obtained hardware identification information and the medium identification information (column 4 lines 27-65).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Cok:

The data recording medium as set forth in claim 1, wherein the data recording medium is bundled with the hardware (column 4 lines 14-37).

Regarding claim 3, Cok discloses:

A data recording medium on which "medium identification information unique to the data recording medium has been recorded" (column 4 lines 1-14), a "plurality of programs having been recorded on the data recording medium" (column 4 lines 27-65), the "medium identification information having information with which one of the plurality of programs is designated" (column 4 lines 27-65), "a starting program causing the program designated with the medium identification information to automatically start having been recorded on the data recording medium" (column 4 lines 27-65).

Claim 4 is rejected as applied above in rejecting claim 3. Furthermore, Cok discloses:

The data recording medium as set forth in claim 3, wherein the data recording medium is bundled with the hardware (column 4 lines 14-37).

Regarding claim 5, Cok discloses:

A program starting method for starting a program recorded on a recording medium, comprising the steps of:

obtaining medium identification information unique to the recording medium (column 4 lines 1-14);

obtaining hardware identification information that represents hardware that can use the program (column 4 lines 14-26);

comparing the medium identification information and the hardware identification information (column 4 lines 27-65);

starting the program when the hardware identification information represents hardware that the medium identification information represents (column 4 lines 27-65);  
and

performing an error process when the hardware identification information does not represent hardware that the medium identification information represents (column 4 lines 27-65).

Regarding claim 6, Cok discloses:

A program starting method for starting a program recorded on a recording medium, comprising the steps of:

obtaining the medium identification information (column 4 lines 1-14);  
determining a type that the medium identification information represents (column 4 lines 1-14);  
selectively starting a program corresponding to the type that the medium identification information represents (column 4 lines 27-65); and  
performing an error process when the hardware identification information does not represent hardware that the medium identification information represents (column 4 lines 27-65).

Regarding claim 7, Cok discloses:

A starting program for causing a computer to execute a program recorded on a recording medium, the starting program comprising the steps of:

obtaining medium identification information unique to the recording medium (column 4 lines 1-14);  
obtaining hardware identification information that represents hardware that can use the program (column 4 lines 14-27);  
comparing the medium identification information and the hardware identification information (column 4 lines 27-65);

starting the program when the hardware identification information represents hardware that the medium identification information represents (column 4 lines 27-65); and

performing an error process when the hardware identification information does not represent hardware that the medium identification information represents (column 4 lines 27-65).

Regarding claim 8, Cok discloses:

A starting program for causing a computer to execute a program recorded on a recording medium, the starting program comprising the steps of:

obtaining the medium identification information (column 4 lines 1-14);

determining a type that the medium identification information represents (column 4 lines 1-14);

selectively starting a program corresponding to the type that the medium identification information represents (column 4 lines 27-65); and

performing an error process when the hardware identification information does not represent hardware that the medium identification information represents (column 4 lines 27-65).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 703-305-8892. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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05/12/05

  
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